S.B.Cr.Misc. Bail App. No. 4644/2007
(Harish Vs. State of Rajasthan)

Date of order : 26/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. P.R.Mehta for the petitioner.

Mr. V.R.Mehta Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and police investigation diary. I have carefully gone through the statement of the prosecutrix and other witnesses.

As per the medical evidence, the age of the prosecutrix is above 18 years.

It is contended by learned counsel for the petitioner that the prosecutrix was a consenting party and the occurrence alleged to have taken place for more than nine months prior to the lodging of the report. Even according to the statement of the prosecutrix, she had repeated sexual intercourse with the present petitioner which could not have been without the consent of the prosecutrix.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Harish S/o Bhaan Ji, be released on bail in FIR No. 51/2007 P.S. Mahidem, district Banswara

provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP